

### **REMARKS**

Claims 2-7, 9-13, and 16 are pending in the present application. Claims 2 and 16 are independent. Claims 1, 8, 14, 15, and 17-19 have previously been cancelled.

### **Prior Art Rejections**

Claims 1-4, 7, and 14-17 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Fredlund et al. (U.S. Patent 5,666,215, hereinafter “Fredlund ‘215”). Claim 5 stands rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Fredlund ‘215 in view of Tamura et al. (U.S. Patent 6,771,896, hereinafter “Tamura”). Claim 6 stands rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Fredlund ‘215 in view of Ueda et al. (U.S. Patent 6,429,923, hereinafter “Ueda”). Claims 8 and 9 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Fredlund ‘215 in view of Motegi (U.S. Patent 6,307,640, hereinafter “Motegi”). Claim 10 stands rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Fredlund ‘215 in view of Motegi and further in view of Chui et al. (U.S. Patent 6,657,702, hereinafter “Chui”). Claims 11-13 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Fredlund ‘215 in view of Motegi and further in view of Fredlund et al. (U.S. Patent 6,154,295, hereinafter “Fredlund ‘295”). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Fredlund ‘215 and Motegi form the foundation of all of the prior art rejections summarized above. At this time, Applicants wish to focus the patentability upon the independent claims 2 and 16 and, therefore, focus their arguments upon the Fredlund ‘215 and Motegi patents as follows.

Initially, Applicants hereby incorporate all of the previous arguments made against Fredlund ‘215 and Motegi. Applicants still believe that these arguments are sufficient to remove Fredlund ‘215 and Motegi as valid references against the independent claims. Nevertheless, additional arguments follow as to these main prior art references.

First of all, Fredlund ‘215 and Motegi do not suggest the two kinds of IDs (the image ordering ID and the print commanding ID), particularly as expressed in the independent claims 2

and 16. Applicants recognize that Fredlund is applied to teach the image ordering ID and that Motegi is applied to teach the print commanding ID. Applicants take specific issue with these teachings as previously pointed out in prior responses. In addition, Applicants argue as follows.

According to the present invention, the image ordering ID is used for image ordering processing (image data transmission processing). The print commanding ID is used for image printing processing. The server computer of the present invention is controlled to perform different processing on the same image data on the basis of each of the two kinds of IDs transmitted from the communication terminal.

The image ordering ID and the print commanding ID are generated by the server computer in response to the acceptance of the image data by the server computer. The generated image ordering ID and the print commanding ID are correlated with the accepted image data in the server computer. Further, the image ordering ID and the print commanding ID are notified to the user of the communication terminal.

In the image ordering processing, the image transmission request including the image ordering ID (which has been notified to the user) is transmitted to the server computer from the communication terminal. The server computer transmits image data correlated with the transmitted image ordering ID to the communication terminal. The image represented by the transmitted image data is displayed on the display screen of the communication terminal. The image desired to be printed is selected by the user of the communication terminal. Order information related to prints of the displayed image is transmitted to the server computer from the communication terminal. The server computer stores the order information transmitted from the communication terminal.

In the image printing processing, the print command including the print commanding ID (which has been notified to the user) is transmitted to the server computer from the communication terminal. When the print command including the print commanding ID is received by the server computer, the server computer controls the printer so as to print the image represented by the image data correlated with the print commanding ID on the basis of the order information.

That is, the transition to the image printing processing from the image ordering processing does not occur until the print command including the print commanding ID is transmitted to the server computer from the communication terminal. Before the image printing processing occurs, the contents of the order information can be changed. A series of processing from the image ordering to the image printing can not be completed without using both of the two kinds of IDs.

At first blush, it may initially seem that Fredlund '215 discloses the image ordering ID while Motegi may seem to disclose the print commanding ID. It is very important to recognize, however, that these IDs are not isolated or otherwise used for disparate methods. Instead, the claimed image ordering ID and print commanding ID work in cooperation and are otherwise correlated with the same image data.

In other words, an important concept of the present invention is that both the image ordering ID and the printing commanding ID are correlated with the same image data. Thus, the server computer may be controlled to perform different processing (image ordering processing and image printing processing) with respect to the same image data based on the image ordering ID and the print commanding ID. Since two distinct kinds of IDs are collated with the same image data, it is much easier and more efficient to handle transitions between the image printing processing and image ordering processing for the same image data.

In contrast, the applied art of Fredlund '215 and Motegi, teach disparate systems for remotely selecting photographic images (Fredlund '215) and network printing a print request (Motegi). These disparate and separate systems simply can not be combined as the Examiner suggests without using impermissible hindsight reconstruction.

More particularly, Motegi is actually a print system for a large office environment. In other words, Motegi's system is for printing documents in a large office environment for different users who wish to protect the confidentiality of their particular print jobs. A job number is utilized for this purpose. As such, the job number identifies the print job for a document. Moreover, there is no image retrieval prior to print job generation as in the presently claimed invention. Thus, Motegi is limited to identifying print jobs in a large office environment

and does not previously order the images or anything like the images for later photofinishing and photo printing as in the present invention.

Furthermore, Motegi's invention is really network printing to protect privacy of the print jobs in an office having plural printers. As such, Motegi is not in the art of photofinishing as alleged by the Office Action. Thus, there is simply no motivation to combine Motegi's network printing invention with Fredlund's system for remotely selecting photographic images for print.

The Office Action also states that one of ordinary skill in the art would have been motivated to combine Fredlund with Motegi because it would allow more control over when an order is to be printed. This motivation, however, is clearly taken from the present specification. As such, it appears the Office Action has engaged in impermissible hindsight reconstruction of the invention. Thus, the only other reason offered by the Office Action as a motivation statement is an improper motivation because it stems from hindsight reconstruction.

As such, the presently claimed invention offers a combination of features simply not found or suggested by the applied art of record. Fredlund's image ordering system for remotely selecting photographic images does utilize a customer order number and Motegi's system does include a job number that identifies a print job for a document in a large office environment to protect print job confidentiality, but there is not coordinated system even remotely suggested by Fredlund '215 or Motegi.

One of the ways in which the presently claimed invention coordinates image transmission requests and print commands is through the use of both an image ordering ID and a print commanding ID that are both correlated with the same accepted image data. By utilizing two distinct IDs and correlating these two distinctive IDs with the same exact image data and by utilizing distinct functionality associated with the two distinct IDs, the presently claimed invention can coordinate both image ordering and print commanding in a seamless and efficient manner. This combined functionality is simply not disclosed or suggested by the disparate and separate systems of Motegi and Fredlund.

As demonstrated above, the motivation offered by the Office Action is either clearly lacking or taken directly from Applicants specification which is impermissible hindsight

reconstruction. Thus, there are missing features in the claims that are simply not taught or suggested by the applied art even when taken in combination. Furthermore, there is simply no proper motivation to combine Fredlund '215 and Motegi.

For all of the above reasons, taken alone or in combination, Applicants respectfully request reconsideration of the § 103 Fredlund '215-Motegi rejections.

All of the other prior art rejections have the base combination of Fredlund '215 and Motegi included therein. Applicants have submitted arguments that are effective to remove this base combination. Furthermore, the other applied (Tamura, Chewey, and Fredlund '295) all fail to make up for the above-noted deficiencies in the asserted base combination of Fredlund '215 and Motegi. Therefore, all of these other prior art rejections must fail.

For all of the above reasons, taken alone or in combination, Applicants respectfully request withdrawal of the other prior art rejections.

#### **Conclusion**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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